

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AO 2003-03
State Senator Bill Boling, State Delegate) Agenda Documents No. 03-26, No. 03-
Bill Janis, Chesterfield County School) 26-A, No. 03-26-B, No. 03-26-C and
Board Member Beth Davis, and United) No. 03-26-D
States Representative Eric Cantor, by)
counsel, Jan Witold Baran)

AMENDED CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission open meeting on April 24, 2003, do hereby certify that the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:

Approve alternative draft Advisory Opinion 2003-03,
as set forth in Agenda Document No. 03-26-A.

Commissioners Mason, Smith, and Toner voted affirmatively for the motion.

Commissioners McDonald, Thomas, and Weintraub dissented.

2. Failed by a vote of 3-3 to pass a motion to:

Approve draft Advisory Opinion 2003-03, as set forth in
Agenda Document No. 03-26, as amended by Agenda
Document No. 03-26-C.

Commissioners McDonald, Thomas, and Weintraub voted affirmatively for
the motion. Commissioners Mason, Smith, and Toner dissented.

3. Decided by a vote of 6-0 to:

Approve Pages 1-7 of Agenda Document No. 03-26-B, subject to the following amendment on Page 6, Line 12, by inserting the word "private" after the word "a."

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

4. Decided by a vote of 6-0 to:

Approve the Answer to Question 1.a., as set forth on Page 8, Lines 8-16, of Agenda Document No. 03-26-B.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

5. Decided by a vote of 6-0 to:

Approve the Answer to Question 1.b., as set forth in Agenda Document No. 03-26-D, as amended, to read as follows:

"1. b. Are 'general solicitations' of funds that do not request specific amounts permissible?"

"Yes, provided written notices are clearly and conspicuously displayed (FOOTNOTE 1) at state candidate fundraising events at which Federally permissible funds are raised indicating that the covered person is only soliciting federally permissible funds. (FOOTNOTE 2) If written notices are provided, the covered person may legally make general requests for financial support at state candidate fundraising events without any oral disclaimer that only Federally permissible funds are being requested. Alternatively, if written notices are not provided at the event, the covered official may make the following public oral disclaimer: 'I am only asking for up to \$2000 from individuals and I am not asking for corporate, labor or minor's funds.' If such a public oral disclaimer is made at the event it only need be made once, and is not required to be made during a covered person's one-on-one discussions with donors or other people at the event. This should not, however, be construed to permit a covered person to inoculate a solicitation of non-Federal funds by reciting a rote limitation, but then encouraging the potential donor to disregard the limitation."

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub
voted affirmatively for the decision.

6. Decided by a vote of 6-0 to:

Approve the Answer to Question 1.c., as set forth in Agenda Document No. 03-26-B, subject to the following amendments:

a) Page 9, Line 13:

Retain the words "must expressly" and delete the word "may."

b) Page 9, Line 14:

Insert the word "the" before the word "Act's."

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub
voted affirmatively for the decision.

7. Decided by a vote of 6-0 to:

Approve Answers, as set forth in Agenda Document No. 03-26-B,
to the following:

a) Question 2;

b) Question 3. a.;

c) Question 3. b.;

d) Question 3. c., as amended, as follows:

- Page 11, Line 12:

Delete the word "that" and substitute the words "where that
publicity" in lieu thereof;

- Page 12, Line 1:

Insert the words "and prohibitions" after the word "limitations;"

- Page 12, Line 1:

After the word "Act" replace the comma with a period.

e) Question 3. d.; and

f) Question 4.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub
voted affirmatively for the decision.

8. Failed by a vote of 3-3 to pass a (substitute) motion to:

Approve the Answer to Question 5, as set forth in Agenda Document No. 03-26-B, subject to the following amendments:

- a) Delete the language which begins on Page 13, Line 15 through Page 14, Line 11, and insert the words "The Commission concludes that" at the beginning of the sentence on Page 14, Line 12.
- b) Page 14, Line 12:
Insert the words "in a position specifically related to fundraising, such as serving" after the word "serve."
- c) Page 14, Lines 16-17:
Delete the words "must not be...to Federal candidates" and substitute the words "prohibitions of the Act" in lieu thereof.
- d) Page 14, Line 17:
Insert the following at the end of Line 17:
"The use of a covered person's name in a position not specifically related to fund raising, such as 'honorary chairperson,' on a solicitation not signed by the covered person, would require a statement indicating that the covered person is not soliciting funds in excess of the limitations of or from sources prohibited by the Act."

Commissioners Mason, Smith, and Toner voted affirmatively for the motion.

Commissioners McDonald, Thomas, and Weintraub dissented.

9. Decided by a vote of 6-0 (in a main motion) to:

Approve the Answer to Question 5, as set forth in Agenda Document No. 03-26-B, subject to the following amendments:

- a) Delete the language which begins on Page 13, Line 15 through Page 14, Line 11, and insert the words "The Commission concludes that" at the beginning of the sentence on Page 14, Line 12.
- b) Page 14, Line 12:
Insert the words "in a position specifically related to fundraising, such as serving" after the word "serve."
- c) Page 14, Lines 16-17:
Delete the words "must not be...to Federal candidates" and substitute the words "prohibitions of the Act" in lieu thereof.

d) Page 14, Line 17:

Insert the following at the end of Line 17:

“The Commission could not agree on whether the use of a covered person’s name in a position not specifically related to fund raising, such as ‘honorary chairperson,’ on a solicitation not signed by the covered person, is prohibited under the Act.”

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub
voted affirmatively for the decision.

10. Decided by a vote of 5-1 to:

Approve the Answer to Question 6, as set forth in Agenda Document
No. 03-26-B, subject to the following amendments:

a) Page 16, Line 15:

Amend the beginning of the sentence as follows:

“Absent any other factors relevant to establishing an agency relationship, a...”

b) Page 16, Line 19:

Delete the words “or implied” after the word “actual” and insert the words
“express or implied” after the word “authority.”

Commissioners Mason, McDonald, Smith, Toner, and Weintraub voted
affirmatively for the decision. Commissioner Thomas dissented.

11. Decided by a vote of 6-0 to:

Approve alternative draft Advisory Opinion 2003-03, as set forth in
Agenda Document No. 03-26-B, as amended by Agenda Document
No. 03-26-D, and further amended at the table.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub
voted affirmatively for the decision.

June 14, 2007
Date

Attest:

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission